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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,965	03/15/2005	Tae Jin Kim	KIMT3003/REF	8597

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EXAMINER

VOGELBACKER, MARK T

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/527,965	KIM, TAE JIN	
	Examiner	Art Unit	
	Mark T. Vogelbacker	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/15/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/12/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-10 are objected to because of the following informalities:

Regarding claim 1, line 3, the phrase “a bottle” is confusing. Are there two bottles, or is this “bottle” referencing the recitation in the preamble of “A bottle”? Line 7, the term “bended” does not appear to be grammatically correct. Should “bended” be changed to “bent”?

Similar objections occur in claim 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 9, the phrase “ribbon type handle” renders the claims indefinite.

What other handles are encompassed by “type”?

New Grounds of Rejection

Claim Rejections - 35 USC § 103

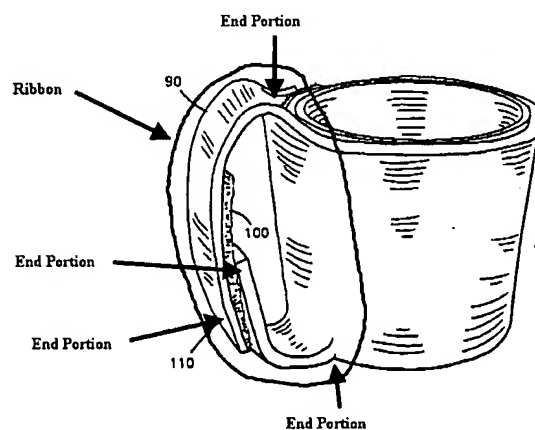
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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strech, US-5,320,249 in view of JP-59-183836 and further in view of Mikhail, US-2004/0169385.

Regarding claims 1, 4 and 7, Strech teaches the invention as claimed, including a ribbon, made of flexible material (col 3, lns 17-18), that is positioned on one side surface of a bottle (20) vertically, a central portion of the ribbon being fixed to a central part of the bottle (20) by a film (30) which wraps around the central part of the bottle (20). Further, Strech teaches a pair of hook and loop type fastening tapes (100) on end portions of the ribbon. Both end portions of the ribbon with the hook and loop fasteners may be bent in upward and downward directions, respectively.



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The difference between the Strech and the claims is that Strech teaches that the ribbon and film are one integral piece and Strech does not mention that the film bears a trademark. JP-59-183366 teaches the invention as claimed, including a ribbon (10, 12), made of flexible material, that is positioned on one side surface of a bottle (4) vertically, a central portion of the ribbon (10, 12) being fixed to a central part of the bottle (3) by a film (14) which wraps around the central part of the bottle (3) and overlies the ribbon (10, 12). As to the teachings of Strech that the ribbon and film are one integral piece, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ribbon and film of Strech so that the film is a separate material from the ribbon and overlies the ribbon, as taught by JP-59-183836, since it has been held that forming an article in two combinable pieces that has formerly been formed in one integral piece involves only routine skill in the art. Mikhail teaches the invention as claimed, wherein advertisements are placed on the various surfaces of the handle (pg 3, [0042], lns 3-11). As to the trademark, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Strech and JP-59-183366 to include a trademark, as taught by Mikhail, to create a handle that is marketable to business owners.

Regarding claims 2 and 10, Strech and JP-59-183836 teach the invention as claimed, but do not mention that the ribbon is made of synthetic resin material. Mikhail teaches the invention as claimed, wherein the ribbon is made of synthetic resin material (pg 3, [0037], lns 1-10). As to the material of the handle, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Strech and JP-59-183836 to be made of synthetic resin material, as taught by Mikhail, to manufacture a handle that is strong enough to support the weight of a full bottle (pg 3, [0042], lns 6-11).

Regarding claim 5 and 8, Strech and JP-59-183836 teach the invention as claimed, but do not mention that the ribbon has a low-viscosity adhesive. Mikhail teaches the invention as claimed, including that the handle (125) can be adhered to the bottle by an adhesive (pg 1, [0024] and pg 2, [0026]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Strech and JP-59-183836 to include an adhesive, as taught by Mikhail, to securely fasten the ribbon to the bottle. Regarding line 2 of claim 5, “weakly” is a relative term. An adhesive connection is weak compared to a welded connection. Regarding line 2 of claim 8, “low-viscosity” is a relative phrase. Mikhail explicitly discloses that the “adhesive” can be glue or double-sided tape. Glue is a “low-viscosity” adhesive compared to commercially available “Super Glue”.

Regarding claims 6 and 9, any material inherently has some degree of a “restoring force”. Therefore, Mikhail teaches the invention as claimed, wherein the ribbon, made of synthetic resin material (pg 3, (00371, lns 1-10), has a “restoring force”.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strech, US-5,320,249 in view of JP-59-183836 in view of Mikhail, US-2004/0169385 and further in view of Mazzarolo et al., US-6,250,545.

As mentioned in paragraph 5 above, Strech, JP-59-183836 and Mikhail teach the invention as claimed, but do not mention that the coupling members are buttons. Mazzarolo teaches the invention as claimed, including a male and female button as coupling members (col 2, lns 60-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Strech, JP-59-183836 and Mikhail to include male

and female buttons, as taught by Mazzarolo, to provide a more secure means to connect the ribbon.

Response to Arguments

7. Regarding Applicant's request, on page 7 under the heading "Objection to the drawings", that the examiner provide a reason for the objection to the drawings in the previous Office Action, the objection was made by mistake. The drawings are accepted.
8. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Vogelbacker whose telephone number is (571) 272-1648. The examiner can normally be reached on 8:00 am - 5:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MTV

Mark Vogelbacker
Assistant Examiner
Art Unit 3677


ROBERT J. SANDY
PRIMARY EXAMINER